

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Franklin S. Moseley,)	C.A. #2:05-1556-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Jo Anne B. Barnhart,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This social security case is before the Court upon the magistrate judge's recommendation that the decision of the Commissioner of the Social Security Administration be reversed with a remand of the cause to the Commissioner. The record includes a report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v. Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this

case and the applicable law. Accordingly, the magistrate judge's report is incorporated into this Order. For the reasons articulated by the magistrate judge, the decision of the Commissioner is hereby **reversed under sentence four of 42 U.S.C. § 405(g) and 1383(c)(3)** and **remanded** to the Commissioner to make a proper step three analysis, and continue the sequential evaluation process including a review and consideration of the report of Dr. Stewart.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina
January 9, 2006